

STEVE TROXLER
COMMISSIONER



State of North Carolina
Department of Agriculture and Consumer Services
Raleigh

May 6, 2014

Tawanda Maignan, Team Leader
Emergency Response Team
US EPA Office of Pesticide Programs
Document Processing Desk (EMEX)
Room S4900, One Potomac Yard
2777 Crystal Drive
Arlington, VA 22202

Dear Ms. Maignan,

This letter notifies the EPA that I am requesting the renewal of a Specific Exemption under Section 18 of FIFRA to allow the use of the insecticide bifenthrin to control the Brown Marmorated Stink Bug (BMSB) in apple and peach orchards in North Carolina. Bifenthrin is the active ingredient in FMC Brigade WSB (Reg.# 279-3108), UPI Bifenture EC (Reg.# 70506-57), and UPI Bifenture 10DF (Reg.# 70506-227), all of which are being requested for this exemption. The two registrants, FMC and UPI, fully support this request.

According to Dr. Jim Walgenbach (Professor and Extension Entomologist, N.C. State University), the BMSB has reached portions of North Carolina and was found on apple and peach trees in 2010 through 2013. The distribution of the BMSB population in North Carolina has expanded each year, with 2013 delivering the most widespread damage since monitoring began in our state. The BMSB is known to be in North Carolina counties that account for the major production of apples and peaches, including Henderson, Polk, Cleveland, Lincoln, Wilkes, Alexander, Moore, Montgomery and Anson. Since the BMSB continues to be a significant threat to our apple and peach crops, it remains important for us to provide growers with effective control options. By Dr. Walgenbach's estimates, up to 2,500 of North Carolina's 6,000 acres of apple trees and up to 1,500 of our state's 4,500 acres of peach trees may need treatments for BMSB in 2014.

North Carolina will also be participating in the renewal of last year's exemption that allowed applications of dinotefuran to control this pest on these crops. According to Dr. Walgenbach, bifenthrin is also needed to help provide protection during the middle of the growing season. Dinotefuran applications are limited to only two per season, and due to the short preharvest interval of 3 days, are best utilized at the end of the season just prior to harvest. If applied mid-season, dinotefuran will not maintain a sufficient residual to be effective against late-season BMSB populations. Due to these reasons, North Carolina is participating in the regional request to renew the bifenthrin emergency exemption for 2014.

It is our understanding that on behalf of several states, the Maryland Department of Agriculture will submit to your office a regional section 18 package for this use. North Carolina is included as a partnering state in this request. Please refer to MDA's package for much of the information supporting this use in North Carolina. We have also enclosed some additional information specific to our state.

In order to provide apple and peach growers in the affected counties the opportunity to continue producing a profitable crop, I am requesting the renewal of this emergency exemption. Should you have any questions, feel free to contact Dr. Jim Walgenbach at 828-684-3562 (Jim_Walgenbach@ncsu.edu) or Lee Davis of the NCDA&CS Pesticide Section at 919-733-3556 (lee.davis@ncagr.gov).

Sincerely,



Steven W. Troxler
Commissioner

cc: North Carolina Pesticide Board
Dr. Richard H. Linton, Dean, College of Agriculture and Life Sciences, NCSU
Mr. Jim Saylor, President, North Carolina Apple Growers Association
Mr. Bruce Thompson, President, North Carolina Peach Growers Society, Inc.
Dr. Jim Walgenbach, Professor and Extension Entomologist, NCSU

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April 15, 2014

Mr. Lee Davis
Pesticide Registration Manager
Structural Pest Control and Pesticide Division
NCDA&CS
Raleigh, NC 27607

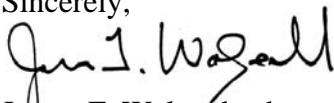
Dear Mr. Davis,

This letter is to express my support for the NCDA&CS participation in the renewal of the regional emergency exemption request (Section 18) for the insecticide dinotefuran to control the brown marmorated stink bug (BMSB) on apples, and bifenthrin to control BMSB on apples and peaches in NC. These renewal requests are regional collaborations among VA, WV, DE, MD, PA, NJ and NC, with the Virginia Department of Agriculture & Consumer Services and the Maryland Department of Agriculture taking lead roles in submitting the dinotefuran and bifenthrin requests, respectively, to the EPA.

The BMSB is an invasive pest whose populations have steadily increased in NC during the past five years. The occurrence of damage in NC apples and peaches in 2013 was more widespread than in any year that we have monitored this pest, and there is no reason to expect this situation to change in the near future. Populations have been most intense in the Piedmont and Mountains, primarily between Greensboro and Asheville. Our surveys have shown that within this area, reproductive populations of BMSB have become established in virtually all areas where tree fruits are grown. We expect population densities to increase in 2014 and beyond. The majority of insecticides registered on apples and peaches are only marginally effective against BMSB, and reliance on these products has not provided adequate control where populations are well established in more northern areas. Section 18 renewal requests for both bifenthrin and dinotefuran, two of the more effective products against BMSB, will provide the needed flexibility to manage this pest. Bifenthrin, with a 14-day preharvest interval, will provide control options during mid-season, while dinotefuran, with a 3-day preharvest interval, offers an option for late-season control. The availability of both products with different modes of action is also needed for resistance management programs.

Thank you for your time and effort in putting together the package of information required for North Carolina's participation in these requests.

Sincerely,



James F. Walgenbach
Professor & Extension Entomologist

**STREAMLINED REPEAT REQUEST
SECTION 18 SPECIFIC EXEMPTION
NORTH CAROLINA
May 9, 2014**

USE BEING REQUESTED

ACTIVE INGREDIENT:	BIFENTHRIN
BRAND NAMES:	BRIGADE WSB, BIFENTHRIN EC, & BIFENTHRIN 10DF INSECTICIDES
EPA REG. NUMBERS:	279-3108, 70506-57, & 70506-227
SITE:	APPLE, PEACH, AND NECTARINE TREES
PEST:	BROWN MARMORATED STINK BUG
FULL APPLICATION DATE:	MAY 2012
FULL APPLICATION ID#:	12NC01 (apple), 12NC02 (peach), 12NC03 (nectarine)
YEARS REQUESTED:	FIRST SPECIFIC EXEMPTION REQUEST WAS SUBMITTED AND GRANTED IN 2012. STREAMLINED REQUEST SUBMITTED AND GRANTED IN 2013.

Situation:

1. The emergency condition(s) described in the previously submitted emergency exemption application continues to exist.

The situation with regard to the need for an emergency label is identical to 2013.

2. All information submitted in the previously submitted emergency exemption application is still accurate: **or** except as expressly identified in the submitted re-certification application, all information submitted in the previously submitted emergency exemption application is still accurate.

Except as provided in the 2014 emergency exemption request recently submitted by the Maryland Department of Agriculture, all information submitted in the previous 2013 application is still accurate. The emergency exemption request submitted by MDA is on behalf of several partnering states including North Carolina. Please refer to that document for additional information.

3. The proposed conditions of use are identical to the conditions of use EPA approved previously (indicate ID# and date); **or** the proposed conditions of use are identical to the conditions of use EPA approved for the previous emergency exemption (indicate ID# and date) except as expressly identified (explanation attached).

The conditions of use are identical to those conditions approved by the EPA in 2013. (ID# 13NC01 (apple), 13NC02 (peach), 13NC03 (nectarine), Date: July 7, 2013)

4. There are no additional conditions or limitations on the eligibility for recertification identified in the previous notice of approval; **or** any conditions or limitations on the eligibility for recertification identified in the previous notice of approval of the exemption have been responded to (explanation attached).

No additional conditions or limitations on the eligibility for recertification known by North Carolina.

5. The applicant has not newly become aware of any alternative chemical or nonchemical practice that may offer a meaningful level of pest control; **or** if any such new alternative controls are available, documentation is provided that demonstrates that each such known chemical or practice does not provide adequate control or is not economically or environmentally feasible (explanation attached).

No new alternative chemicals or nonchemical practices have been identified that will provide acceptable control of this pest.

<p style="text-align: center;">SECTION 18 FINAL REPORT 2013 Bifenthrin – NC Apples and Peaches FILE SYMBOLS: 13NC01 (apple), 13NC02 (peaches)</p>
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1. **Total acreage, amount of commodity or other unit treated and the total quantity of the pesticide used:** The target pest, brown marmorated stink bug, increased in all NC apple and peach production areas in 2013. Based on surveys of growers, county agents and pesticide dealers, it is estimated that approximately 250 acres of apples and peaches treated with bifenthrin for BMSB in 2013.
2. **A discussion of the effectiveness of the pesticide in dealing with the emergency condition:** Damage was not monitored in all orchards where bifenthrin was applied, but discussions with growers that used the product indicated that damage was minimal in treated orchards. In two apple orchards that were monitored for damage and where no insecticides were applied specifically for BMSB, damage ranged from approximately 8 to 15%.
3. **A description of any unexpected adverse affects which resulted from the use of the pesticide under the exemption:** None
4. **The results of any monitoring required and/or carried out under the exemption:** NA
5. **A discussion of any enforcement actions taken in connection with the exemption:** NA
6. **Methods of disposition of a food crop, if required to be destroyed under the exemption:** NA
7. **Any other information requested by the Administrator. (This information was not requested. It is being provided to supplement the other information on this form.)** Brown marmorated stink bug populations were reported in NC orchards for the first time in the fall of 2010, the same year that this insect caused unprecedented damage to apples and peaches in VA, MD, WV and PA. The lag time between first detection and occurrence of serious damage to agricultural crops in more northern states has been 3 to 5 years, and 2014 will be the fifth year since first detection in NC. This factor, coupled with the more widespread occurrence of BMSB in apples and peaches in 2013, suggests that damaging populations of BMSB will occur more frequently in 2014 than in previous years. Bifenthrin is considered the most effective pyrethroid insecticide for BMSB control, and availability of this product in 2014 would be a valuable tool in helping to minimize damage caused by this pest.
8. **In cases where a crisis exemption was declared, an explanation as to why there was a need to utilize the crisis provisions.** NA